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September 6, 2007

VIA FEDERAL EXPRESS AND E-MAIL

The Honorable Claudia Wilken
United States District Court
Northern District of California
Oakland Division
Courtroom 2, Fourth Floor
1300 Clay Street
Oakland, CA 94612

Re: *John Armstrong, et al., v. Arnold Schwarzenegger, et al.*
U.S. District Court, Northern District of California
Case No. C 94-2307 CW
Our File No. 581-3

Dear Judge Wilken:

Enclosed please find a word version of the [Proposed] Case Management Conference Order ("Proposed Order"), which was e-filed today.

Plaintiffs' counsel circulated the Proposed Order to defendants' counsel on August 28, 2007. Since that time, counsel have met and conferred regarding the form of the order. Defendants' counsel Mr. Russell has authorized me to represent to the Court that he approves as to form all of the Proposed Order, except for the sentence on page 2:6-9: "Specifically, for each placement listed in Attachments 2 and 3, defendants shall either (a) note that they agree with plaintiffs and the placement is no longer considered DPW designated housing, or (b) provide a photograph of the placement and a sworn statement from a qualified expert that it is accessible for a full-time wheelchair user, consistent with all relevant laws and regulations." Mr. Russell objects to that sentence being included in the Proposed Order. Plaintiffs' counsel, however, believe the sentence to be necessary

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and consistent with the Court's statements during oral argument. *See, e.g.*, Transcript at 16:1-12.

Plaintiffs respectfully request that the Court enter the Proposed Order as submitted.

Respectfully submitted,

ROSEN, BIEN & GALVAN, LLP


By: Gay Crosthwait Grunfeld

Enclosure
GG:dmc

cc: Jay C. Russell, Esq.
Donald Specter, Esq.
Ed Swanson, Esq.